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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,257	01/31/2001	Athanassios Tolis	FBU-002RCE2	4326
959 7590 03/20/2007 LAHIVE & COCKFIELD, LLP ONE POST OFFICE SQUARE BOSTON, MA 02109-2127			EXAMINER MOONEYHAM, JANICE A	
			ART UNIT	PAPER NUMBER
			3629	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/773,257

Applicant(s)

TOLIS ET AL.

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-11, 13-26, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11, 13-26, and 29-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This is in response to the applicant's communication filed on December 29, 2006, wherein:

Claims 1-6, 8-11, 13-26, and 29-30 are pending;

Claims 1-6, 8-9, 11, 13-14, 16, 18-20, 22-26, and 29 have been amended;

Claims 7, 12, and 27-28 have been cancelled;

Claim 30 have been added.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 29, 2006 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-6, 8-11, 13-26, and 29-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to

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make and/or use the invention. The applicant is claiming a computerized system for making customer reservations. How does this system would work for all reservations, for example, airline flights, or car reservations, theater tickets, etc.? What would the blocks represent and how would they be divided for reservations other than restaurant reservations or hotel rooms?

The applicant has amended the claim preamble to read:

A computerized reservation system for making customer time-specific reservation of fungible, non-location specific items.

Fungible items are interchange-able items. It is not clear how the invention would work for theater tickets, or car reservations, or airline flights. However, these appear to be fungible, non-location specific items.

Claim 21 which depends from claims 7 and 19 is directed to a means to split the dining sessions. This clearly indicates that the reservation system is directed to restaurants. Furthermore, in applicant's Remarks submitted on December 29, 2006, the applicant states that airline flights, car reservations, hotel rooms, theater tickets, and the like are considered to be location specific items. This does not explain how a request for a airline ticket generally creates several responses with different airlines. The applicant's explanation that if the airline, theater, hotel or the like reserve seats or rooms on a seat specific or room specific bases the reservation can be considered reservations for location specific items. Applicant states that blocks could be divided on a per plane basis, per performance bases, per car type basis. The Examiner asserts

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that the applicant has not provided sufficient guidance and direction to enable one skilled in the art to use or make the applicant's invention without undue experimentation.

4. Claims 1-6 rejected and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 5 and 24 all have the limitation of when a reservation requested from either the central reservation provider computing system or the individual service provider computing system is not available from that provider the link between the central reservation provider computing system and the individual service provider computer systems is activated by the systems and available reservations are transferred. Applicant's disclosure only provides for the system having a means for automatically activating the means for communicating between the system at regular intervals to transfer reservations, as is also set forth in Mankes. Applicant discloses at paragraph [0062] that the restaurant reservation software is provided with means for automatically contacting the central Internet reservation provider when additional time blocks are required and ideally, this is activated by a restaurant staff member. The applicant discloses in paragraph [0063] that the method of requesting additional space only once there is none left has the disadvantage. The applicant states that an improved system, both the provider and the restaurant software are programmed to request space from other providers if the available space which are being held drop

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below a predefined minimum. The Examiner asserts that there is nothing wherein the system automatically is activated by the system except in the case where space drops below the predetermined minimum.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 recites the limitation "the respective individual service providers". There is insufficient antecedent basis for this limitation in the claim.
6. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. If, as applicant claims, the invention is directed to reservations other than restaurant reservations, applicant is claiming in claim 21 that the dining sessions are split. How does this work for a hotel room?

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 29 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 29 is directed to a system comprising computer readable instructions.

MPEP Section 2106 B (1) states:

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1. Nonstatutory Subject Matter

Claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature which constitute "descriptive material." Abstract ideas, *Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, *Schrader*, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, are not patentable. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." *The New IEEE Standard Dictionary of Electrical and Electronics Terms* 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se. *Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases.

(a) Functional Descriptive Material: "Data Structures" Representing Descriptive Material Per Se or Computer Programs Representing Computer Listings Per Se

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Mankes (US 6,477, 503) (hereinafter referred to as Mankes).

Referring to Claims 1 and 30:

Mankes discloses a computerized system for making customer time specific reservations of fungible non-location specific items, the system comprising:

one or more individual service provider computing systems having a computing system executing computer software through which reservations of fungible items for the respective individual service providers may be made directly (event owners, Figures 1, 3, 8, and 12);

a central reservation provider having a computing system executing computer software through which reservations of fungible items for any of the one or more individual service providers may be made (ARS, Figure 1 (16));

a link for communicating between the central reservation provider computer system and the respective individual service providers' computer systems (Figure 1 (20)), wherein a first portion of the available reservations from each individual service

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provider are held by the central reservation provider and a second portion of the available reservations from each individual service provider are held by that respective individual service provider (col. 2, line 65 thru col. 3, line 1 once inventory is sold through one of many networked affiliations, a local transaction removes the item from available inventory both on-site and off-site; col. 3, lines 27-29 the local server allocates a portion of the inventory as reservation server inventory and transfers such data to the reservation server), and when a reservation of fungible items requested from either the central reservation provider or an individual service provider is not available from that provider or when the portion of available reservations held by either the computing system of the central reservation provider or the computing system of the individual service provider drops below a predefined minimum level at any time, the link between the central reservation provider and the individual service provider is activated by one of the computer systems of central reservation provider and individual services providers and available reservations are transferred via the communication link to allow a reservation of fungible items to be made (col. 6, lines 4-32 the local owner would establish a local allocation, keeping in mind that the present system accommodates ongoing revision thereof in response to local and remote conditions; Figure 7 The EOS receives reservations from the ARS on a predetermined schedule) and when a reservation request is from one of the central reservation provider or one of the individual service providers is available from that provider, the reservation of fungible items is made by that provider without communicating with the other providers (col. 7, lines 15-18 should the connection to the active reservation server be lost, the local

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event server 12 has the capability to continue to operate. This allows the owners to continue to sell) (Figures 1, 2, col. 2, line 65 thru col. 3, line 42, col. 4, lines 23-61, col. 6, lines 30-33 the present system accommodates ongoing revision in response to local and remote conditions.

Referring to Claim 2:

Mankes discloses wherein the central reservation provider computing system is an Internet booking service (Figure 1 (24), col. 4, lines 35-49; col. 5, lines 9-11 Referring to Fig. 4, the ARS 16 comprises a computer system 40 communicating with the EOS through an Internet connection).

Referring to Claim 3:

Mankes discloses wherein the individual service provider computing systems uses computer software for communicating automatically with the Internet booking service (Figures 1 and 4, col. 4, lines 35-48 and col. 5, lines 1-4 and lines 9-25 EOS 12 may comprise commercially available computer and software adjuncts use in conjunction with reserving and maintain an inventory for such goods and services and for accessing the Internet).

Referring to Claim 4:

Mankes discloses wherein the reservation system is installed over a local area network (col. 3, lines 6-29 local event owner server).

Referring to Claim 5:

Mankes discloses wherein the system comprises means for automatically activating the link for communicating between the central reservation provider and

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individual service providers at regular intervals to transfer available reservations between providers (Figure 2, Figure 7, col. 6, lines 4-44, col. 7, lines 47-67, Referring to Fig. 9, the event owner server periodically polls the ARS on a predetermined schedule).

9. Claims 8-11 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Glazer et al (US 2002/0032588) (hereinafter referred to as Glazer).

Referring to Claim 29:

Glazer discloses a computerized reservation system for reserving one or more time specific blocks of a plurality of fungible items, the computer reservation system comprising computer readable medium with instructions that when executed on a computing system cause a processor of the computerized reservation system to divide the time period availability of each item into time consecutive blocks of a predetermined duration so as to provide a plurality of sets of the blocks representing the total availability of the plurality of fungible items within the time period of availability, wherein the system accepts a reservation request if at least one time consecutive block is available for each part of the time period for which the reservation is requested such that time consecutive blocks relating to more than one of the fungible items may be combined to provide the reservation Figure 2, page 1 [0012], page 2 [0016], page 4 [0027]).

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Referring to Claim 8:

Glazer discloses a database for storing data defining the numbers and types of items available for reservation together with details of any reservations made (page 2 [0014]) ; and

means for calculating the number of available blocks using the data from the database each time that a reservation is requested (page 2 [0014][0016], Figure 2).

Referring to Claim 9:

Glazer discloses wherein the system is for reserving a plurality types of item and the blocks are tagged to indicate the type of item to which they refer (page 1 [0008], page 2 [0014-0016], page 3 [0019]).

Referring to Claim 10:

Glazer discloses wherein a reservation is only made if at least one consecutive block relating to the type of item required is available for each consecutive part of the time period for which the reservation is required (page 1 [0008], page 2 [0014-0016], Figure 2).

Referring to Claim 11:

Glazer discloses wherein the system is for making restaurant reservations and the blocks are of 15 minute duration (Figure 2, [0008], [0014-0016] and [0027]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mankes as applied to claim 1 above, and further in view of Rapp et al (US 2002/0116232) (hereinafter referred to as Rapp).

Mankes discloses the system of claim 1. Mankes does not disclose a reservation system further comprising the service providers allowing a reservation to be made for a plurality of items from available reservations, in which the time period of availability of each item is divided into consecutive blocks of a predetermined duration so as to provide a plurality of sets of said consecutive blocks representing the total availability of the plurality of items within the time period, wherein reservation request is accepted if at least one consecutive block is available for each part of the time period for which the reservation is required such that blocks relating to more than one of the items may be combined to provide the reservation.

However, Rapp discloses a reservation system further comprising means for reserving one of a plurality of items from available reservations, in which the time period of availability of each item is divided into consecutive blocks of a predetermined duration so as to provide a plurality of sets of said consecutive blocks representing the total availability of items within the time period, wherein the system accepts reservation request if at least one consecutive block is available for each part of the time period for which the reservation is required such that blocks relating to more than one of the items may be combined to provide the reservation (Figs. 5-6, 12-15).

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It would have been obvious to one of ordinary skill in the art to incorporate into the active reservation system disclosed in Mankes with the blocks of time taught in Rapp since the interactive scheduling system and method of Rapp allow vendors (restaurants) to manage their appointment books (reservations) in a convenient and cost-effective approach while allowing customers to go online and pick dates having the first available time slots and selecting from the available timeslots.

11. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glazer as applied to claim 30 above, and further in view of Mankes.

Referring to Claim 22:

Glazer discloses the system of Claim 30:

Glazer does not explicitly disclose a reservation system wherein blocks or sets of blocks of predetermined duration representing items available for reservation from an individual service provider are distributed between a central reservation provider and the individual service provider such that reservations may be made through either of the individual service provider or the central reservation provider.

However, Mankes discloses a reservation system wherein blocks or sets of blocks of predetermined duration representing items available for reservation from an individual service provider are distributed between a central reservation provider and the individual service provider such that reservations may be made

through either of the individual service provider or the central reservation provider (Fig. 1).

It would have been obvious to one of ordinary skill in the art to incorporate into the disclosure of Glazer the teachings of Mankes so that event vendors are allowed to maintain their current reservation practices and control their inventory while providing access to their inventory by anyone with Internet access.

Referring to Claim 23:

Mankes discloses a reservation system further comprising means for communicating between the central reservation provider and the individual service provider wherein if a reservation requested from either the central reservation provider or the individual service provider is not available from that provider, available blocks or sets of blocks are transferred from the other of the central reservation provider or the individual service provider to the central reservation provider or the individual service provider via the means for communicating so as to allow a reservation to be made (Figs. 1,2, col. 2, line 65 thru col. 3, line 42, col. 4, lines 23-61, col. 6, lines 4-32).

Referring to Claim 24:

Mankes discloses a reservation system further comprising means for communicating between the central reservation provider and the individual service provider, wherein if the number of blocks or sets of blocks held by either the central reservation provider or the individual service provider falls below a predetermined minimum level at any time, available blocks are transferred from

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the other of the central reservation provider or the individual service provider to the central reservation provider or the individual service provider via the means for communicating (Figs. 1,2, col. 2, line 65 thru col. 3, line 42, col. 4, lines 23-61, col. 6, lines 4-32).

Allowable Subject Matter

12. It appears that claims 13-21 and 25-26 may be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st and 2nd paragraph, the rejection under 35 U.S.C. 101 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments filed December 29, 2006 have been fully considered but they are not persuasive.

Rejection under 35 USC Section 112, 1st paragraph:

The applicant has amended the claims to claim a computerized reservation system for making time-specific reservation of fungible non-location specific items. As the Examiner understands the term "fungible" from the applicant's specification, the fungible items are blocks that can be combined with other blocks or combinable blocks. The Examiner asserts, that although the system may be enabled for table or seat reservations in restaurants or hotel rooms, the Examiner asserts that the invention is not enabled for all types of reservations. The Examiner asserts that the applicant has not provided sufficient guidance and direction as to how the invention would work for airline reservations, or theater reservations or car reservations.

Applicant states that Mankes provides a system in which the event vendor's entire inventory resides at and is controlled at the local point of sale site. The Examiner respectfully disagrees with this assertion. The applicant is directed to col. 3, lines 27-42, wherein Mankes discloses that the local server allocates a portion of the inventory as reservation server inventory and transfers such data to the reservation server. Furthermore, Mankes discloses a central reservation system used in conjunction with a local system at the site of the inventory to sell available inventory. Therein the local system assesses the local market, retains a portion of the inventory for local sale, and

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transfers the remaining inventory to the central reservation system for distribution (col. 1, lines 38-57). Mankes further discloses that this creates an open looped system wherein the tow blocks of inventory are processed independently, each under the control of an autonomous administrator and neither having contemporaneous information on the overall state of the local inventory. Applicant is also directed to column 6, lines 4-32. The Examiner does agree however, that Mankes allows the local event owner to retain control and ownership of the inventory.

As for applicant's arguments that the when a reservation of items requested for either the central reservation provider system or an individual provider computing system is not available the link between the central reservation provider and the individual service provider is activated. The Examiner notes that applicant's disclosure indicates that a human does the activation (see paragraph 0062). The applicant only provides support for the activation to be performed without human intervention when the activation is triggered by a pre-determine minimum level. The Examiner asserts that Mankes discloses human activation (col. 1, lines 48-52).

The applicant distinguishes his invention from Mankes stating that Mankes must communicate with the local server to receive confirmation availability and that reservations are only made thru the local server.

First, claims must be given their broadest reasonable interpretation consistent with the supporting description without reading limitations into the claims. The term communication link could be a telephone line and the providers could be communicating via a telephone. Secondly, the applicant states that the system *comprises* a link that is

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activated when there are no available reservations at one of the providers and the reservations are transferred. This does not preclude a system that is activated at other times. The applicant has not provided the necessary claim language to be able to limit the invention to one in which communication is activated *only* when there are no available reservations.

Claims 7-11:

As for applicant's argument regarding Glazer, the Examiner respectfully disagrees. Glazer teaches consecutive blocks of predetermined duration wherein the system accepts the reservation if at least one time consecutive block is available. It is the Examiner's position that applicant's reservation blocks could be available appointment time blocks. As for fungible items, as discussed above, the Examiner is interpreting fungible items to be combinable blocks. Figure 2 shows combinable blocks.

Claims 22-24, 27-28:

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Claim 6:

As for the applicant argument as to Rapp, the Examiner did not cite Rapp for the communication link but rather as a teaching of a reservation system which discloses consecutive blocks of a predetermined duration. Mankes in combination with Rapp disclose the applicant's invention as claimed in claim 6. Applicant is arguing the

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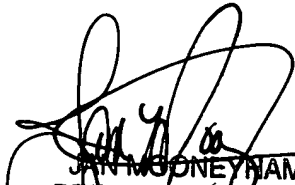
reference individually. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As for applicant's arguments as to claim 29, the Examiner does not find the arguments persuasive and directs the applicant to the discussion under the rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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